

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

THOMAS NAGRONE, et al.,	)	CV 07-04-M-DWM-RKS
	)	
Plaintiffs,	)	
	)	
vs.	)	ORDER
	)	
MICHAEL A. DAVIS and RIC	)	
ODEGARD, et al.,	)	
	)	
Defendants,	)	
	)	
and	)	
	)	
TIDYMAN'S MANAGEMENT	)	
SERVICES, INC.,	)	
	)	
As Nominal Plaintiff.	)	
	)	

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This matter was settled as to ERISA claims by Order (dkt. 202) filed

December 5, 2008. The Court now lacks original jurisdiction. The parties have been allowed to show cause why the Court should not decline to exercise supplemental jurisdiction, dismiss without prejudice and allow the matter to proceed in the appropriate state court.

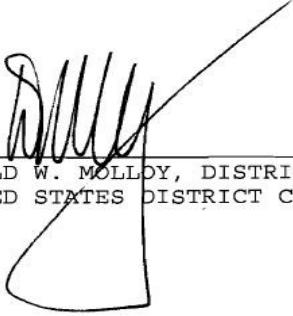
United States Magistrate Judge Keith Strong entered Findings & Recommendation in this matter on April 21, 2010. He recommended the Court decline to exercise supplemental jurisdiction and the case be dismissed without prejudice. The parties did not timely object and so have waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000). I can find no clear error with Judge Strong’s recommendation. Accordingly,

IT IS HEREBY ORDERED that Judge Strong’s Findings and Recommendations (dkt #260) are adopted in full.

IT IS FURTHER ORDERED that the Court declines to exercise jurisdiction under 28 U.S.C. § 1367(c)(1), (3), and this cause is DISMISSED WITHOUT PREJUDICE under 28 U.S.C. § 1367(d).

The Clerk of Court is directed to close the case.

Dated this 14<sup>th</sup> day of May, 2010.

  
DONALD W. MOLLOY, DISTRICT JUDGE  
UNITED STATES DISTRICT COURT